

DIVISION 12. RULE 12. RESIGNATIONS

Sec. 14-150. Written resignation to be requested with copy forwarded to director.

An employee in good standing who decides to leave the service for any reason shall be asked by his supervisor or department director for a formal resignation in writing and a copy of same shall be forwarded to the director.

(Code 1968, § 12-150; Ord. No. 05-91, § 1, 1-25-05)

Sec. 14-151. Investigation; treatment of forced resignation as removal.

The commission is authorized to make such investigation of the resignation as it may think advisable. If it develops that a separation reported as a resignation did not result from the voluntary act of the employee, the commission shall notify the mayor and may treat the separation as a removal and the provisions of these rules relating to removals shall apply.

(Code 1968, § 12-151)

Sec. 14-152. Forfeiture of rights; reemployment.

Any employee in the classified service who voluntarily resigns his position shall forfeit all rights which he might have had under civil service. He can be reemployed in the classified service only in the manner prescribed by the rules governing original appointment, except that the commission may decide, after considering the recommendation of the department director, that his name may be returned to the original eligible list, if still in existence, or to a new eligible list for that classification. However, such eligibility for reemployment shall not take precedence over the rights of those who were laid off for budgetary or force-reduction reasons and are on a reemployment register.

(Code 1968, § 12-152; Ord. No. 05-91, § 1, 1-25-05)

Sec. 14-153. Withdrawal of resignation.

An employee, upon his written request before the effective date thereof and with the approval of the department director, may be allowed to withdraw his resignation.

(Code 1968, § 12-153; Ord. No. 05-91, § 1, 1-25-05)

Sec. 14-154. Reinstatement of retired employees.

No employee in the classified service who has been retired on pension for service retirement shall be eligible for reinstatement to active duty. Employees retired for disability shall file with the commission a letter requesting reinstatement, together with a physician's statement stating that the pension employee is now physically fit to resume his duties in the position from which he was retired. The commission shall transmit the letter and physician's certificate to the municipal employees pension board for its consideration. The pension board, after due investigation and satisfactory physical examination of the pensioned employee, shall notify the civil service commission that the pensioned employee is physically qualified to have his name placed on an eligibility register for his former position or a lower position in the department from which he was pensioned.

(Code 1968, § 12-154)

Sec. 14-155. Absence from work without notice considered as resignation.

Any employee who is absent for three consecutive working days, without having notified his immediate superior, shall be considered to have resigned from the employment of the city.

(Code 1968, § 12-155)

Sec. 14-156. Candidacy for and holding of elective office.

(a) Any employee in the classified or unclassified service of the city, except appointed or elected officers, who is a candidate for any elective office, whether the same be federal, state, county or city, either paid or nonpaid, shall immediately, in writing make such candidacy known to the director. It shall be the duty of the director to determine if the candidacy poses a conflict of interest with the employee's city employment. If any such conflict is found, the director shall provide the employee's department director with a full report of his findings together with any recommendation that he may have regarding disciplinary action. If the department director concurs that there is a conflict of interest, he shall forthwith report such

findings to the mayor together with any recommendation he may have regarding disciplinary action. The mayor shall finally determine whether a conflict of interest with the employee's city job exists and whether disciplinary action is appropriate. Disciplinary action shall then be handled consistent with the City Charter and these rules.

(b) In the event that the director determines that the employee's candidacy results in no conflict of interest, and the employee is elected to the office sought, the same procedures as outlined above where candidacy presents a conflict shall be followed to determine if the holding of the office presents a conflict of interest and if disciplinary action is appropriate.

(Code 1968, § 12-156; Ord. No. 76-142, § 1, 2-3-76; Ord. No. 05-91, § 1, 1-25-05)

Secs. 14-157—14-161. Reserved.

DIVISION 13. RULE 13. SERVICE RATINGS

Sec. 14-162. System.

The commission will assume that all employees are performing their assigned duties in a satisfactory manner unless and until the department director notifies the commission to the contrary. (Code 1968, § 12-162)

Secs. 14-163—14-167. Reserved.

DIVISION 14. RULE 14. LEAVES OF
ABSENCE AND OUTSIDE EMPLOYMENT

Sec. 14-168. Attendance; workweek; overtime compensation, etc.

(a) Definitions. Unless otherwise indicated, the following words shall, for purposes of this section, have the following meanings:

- (1) *Compensatory time or compensatory time off.* Hours during which eligible employees are not working but which are counted as hours worked during the applicable workweek for purposes of overtime compensation and for which the employee is compensated at the employee's regular rate.

- (2) *Eligible employee.* All employees of the City of Houston other than exempt and noncovered employees as defined in this subsection and those employees subject to article 1269m, Texas Revised Civil Statutes, and classified as fire protection or law enforcement personnel.

- (3) *Exempt employees.* All executive, professional, administrative and seasonal recreation employees of the City of Houston who are exempted from the overtime compensation requirements of the Fair Labor Standards Act of 1938, as amended and the pertinent regulations and opinions interpreting that act and who have been designated as such by the human resources director and the civil service commission.

- (4) *Non-covered employees.* All employees of the City of Houston who:

- a. Are excluded from coverage under the Fair Labor Standards Act of 1938, as amended, and the regulations and administrative opinions interpreting that act; and
- b. Are designated as such by the human resources director and the civil service commission. In reaching the determinations required by this subsection or subsection (a)(3) above, the director and the civil service commission shall be guided by the various criteria which are applied to determine whether overtime must be paid under the wage and hour provisions of the Fair Labor Standards Act of 1938, as amended.

- (5) *Overtime.* Time worked in excess of 40 hours in a workweek.

- (6) *Regular rate of pay.* Regular rate of pay shall include:

- a. Base pay;
- b. Longevity pay; and
- c. Shift differential pay.

The term "regular rate of pay" shall not include compensation excluded